P-6
B

1951 K File No. Munis Dist II | 51 (N)

Legal Dept.

B. BRANCH

Subject:— Notifications under the Bombay District Municipal Act 1901

File No. Munis Dist II | 51 (N)

47 - B

Legal Department.

Two revised draft notifications are sent herewith.

2. The proclamation under section 8 should be published in the manner specified in that section. The second notification under section 4 should be issued after the expiry of two months from the date of the proclamation after complying with the provisions of section 8(3).

O.C. Sd/-

Additional Secretary to Government.

X U.R. to I.S.G. & P.H.D. no. 851 dated the 13 th January 1951.

4 c.
V.R.K.
5/7/56

Legal Department.

Two revised draft notifications are sent herewith.

It appears from the letter of the Sar Panch, Village Panchayat, Mulund, that the Mulund Notified Area Committee constituted under section 187(2) of the Bombay Municipal District Act, 1901, has been superseded in the year 1944 when the Mulund Village was declared a Village for the purposes of the Bombay Village Panchayats Act, 1933. The question of superseeding the Mulund Notified Area Committee does not therefore survive. Only the Notification whereunder the Mulund Village was declared a Village under the Bombay Village Panchayats Act need be cancelled.

2. The L.S.G. & P.H.D should verify whether the area of Mulund Municipal District is in accordance with the area given inthe proclamation.

O.C. Sd/-

Additional Secretary to Governmer

U.R. to L.S.G. & P.H.D. No. 6902 dated 1st May 1951.

4 c.
V.R.K.
5/7/56

Office of the R.L.A.

The proposal of the L.S.G. & P.H. Deptt. to amend Government Notification No. 2129/I, dated the 13th September 1950 so as to include the Sangli Municipal area under that notification would not achieve the object in view. By the inclusion of the Sangli Municipal area in a notification to be issued under sub-section (4) of section 1 of the Lepers Act, 1898, no liability upon Sangli Municipality to pay the maintenance charges of lepers resident within that area would arise. To creat such a liability it is necessary to issue a notification under section 55 of the Bombay District Municipal Act, 1901 which provides that every municipality shall also out of the Municipal property and fund, make payment at such rate as the Government from time to time by general or special orders prescribe for the maintenance and treatment either in the Municipal District or at any asylum, hospital o house whether within or without such district which the State Government declares by notification to be suitable for such purpose. To achieve the object in view, therefore, it is necessary to issue a notification on the lines of Government Notification, General Department No. 9914, dated the 4th June 1935 issued under section 55 of the Bombay District Municipal Act, 1901. In that notification there is however no mention of the name of Leprosy Hospital at Miraj. After issue of such a notification the legal liability to make the payment for the maintenance and treatment of lepers residing in the municipal limits at the said hospital would arise.

2. The rates at which the maintenance and treatment charges of lepers are to be paid by the Sangli Municipality to the Leprosy Hospital at Miraj may be fixed by an executive order (vide R.L.A's opinion No. 4863 dated the 8th October 1933 at page 135 in G.D. File 9914)

4 c.
V.R.K.
5/7/56

3. A requisite notification under section 55 of the Bombay District Municipal Act, 1901, is sent herewith

4. If, However, Government now desires that the Leprosy Hosipital at Miraj should also be declared to be an asylum or hospital for the purposes of section 55 of the Act in respect of the Municipal Districts situate in Bijapur, Dharwar, Kanara and Belgaum Districts, in addition to the leprosy asylum at Hindirgi, it will be necessary to amend Government Notification, General Department No. 9914, dated the 4th June 1935.

O.C. Sd/-

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D. No. 7772, dated the 17th May 1951.

4 c.
V.R.K.
5/7/56

Office of the R.L.A.

A revised draft order is sent herewith.

2. Under section 23(14) of the Bombay District Municipal Act, 1901, the Government can only decide the dispute regarding the election of a President or a Vice-President referred to it by a Collector; it cannot order a fresh election. The fresh election can be held by the Collector or such other officer as the Collector may by order in wirting authorise in this behalf, under section 23(13) of the said Act.

O/C Sd/-

Remembrancer of Legal Affairs.

D.R. to L.S.G. & P.H.D. No. 8165, dated 15th November 1951.

4 c.
V.R.K.
5/7/56

Local Self Government and Public Health Department,

Bombay Castle, 1951.

O R D E R.

Bombay District Municipal Act. 1901

No. - Whereas a dispute regarding the elections of the President and the Vice-President of the Kodinar Municipality held on the 7th April 1951 has arisen;

And Whereas the Collector of Amerli has referred the same to the State Government for decision under sub-section (14) of section 25 of the Bombay District Municipal Act, 1901;

And Whereas it appears to the Government of Bombay that the said elections having been held under repealed provisions of sub-section (9), (10) and (11) of section 23 of the said Bombay District Municipal Act, 1901, instead of under the said sub-sections as substituted by section 2 of the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1950, are void;

Now, therefore, in exercise of the powers conferred by sub-section (14) of section 23 of the Bombay District Municipal Act, 1901, the Government of Bombay is pleased to decide that the elections of the President and the Vice-President of the Kodinar Municipality held on the 7th April 1951 are void.

By order of the Governor of Bombay,

4 c½
V.R.K.
5/7/56

Secretary to Govt.

SDA 2517